



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 25, 2005

Date of Meeting: December 20, 2004

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:35 p.m., on Monday, December 20, 2004, all members having been notified of the time and place thereof.

1. **ROLL CALL**

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt
Robert E. Walkup

Council Member Ward 1
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

Carol W. West

Council Member Ward 2

Staff Members Present:

James Keene
Michael Rankin
Kathleen S. Detrick
Michael D. Letcher

City Manager
City Attorney
City Clerk
Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Joel Hutchison, New Life Wesleyan Christian Center, after which Cub Scout Pack 772 led the entire assembly in the pledge of allegiance.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 678, dated December 20, 2004, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member West wished everyone Happy Holidays.
- b. Council Member Ronstadt allowed Bill Katzel to speak. Mr. Katzel presented outgoing City Manager, James Keene, with a birthday cake and wished him well in California.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 679, dated December 20, 2004, would be received into and made a part of the record. He also announced this time had been scheduled to allow the City Manager to report on current events, and asked for the City Manager's report.

James Keene, City Manager, reported:

- a. Sun Tran's Holiday Toy Drive "Stuff the Bus" set an all-time high in donations. Over a three-day period, 10,632 toys were collected, topping last year's 10,573 toy contributions. Sun Tran and KGUN 9 television collaborated the campaign to benefit the Salvation Army's Christmas Angel Program.
- b. On December 16, 2004, the City sold 55.1 million dollars in Water Revenue Refunding Bonds for combined 3.975 percent net present value savings of 2.2 million dollars. Today the City sold 34.2 million dollars in General Obligation Refunding Bonds for a combined 3.167 percent net present value savings of over one million dollars over the life of the issue.
- c. The Department of Human Resources was selected as one of thirty finalists for the Workplace Excellence Award.
- d. Mr. Keene thanked the Mayor and Council for hiring him and working so well with him during his tenure as City Manager.

5. LIQUOR LICENSE APPLICATION(S)

Mayor Walkup announced City Manager's communication number 680, dated December 20, 2004, would be received into and made a part of the record. He asked the City Clerk to read the liquor license agenda.

b. New Licenses

1. CVS/Pharmacy #7867
5100 E. Grant Road
Applicant: Jason B. Morris
City 090-04, Ward 6
Series 10
Action must be taken by: December 27, 2004
Public Opinion: Protest Filed
Support Filed
To be considered separately.
Staff Recommendation
Police: In Compliance
DSD: In Compliance
Revenue: In Compliance
2. O'Shaughnessy's Supper Club &
Song Hall
2200 N. Camino Principal
Applicant: Samuel O'Shaughnessy-Stangl
City 093-04, Ward 2
Series 12
Action must be taken by: January 3, 2005
Public Opinion: Protest Filed
Support Filed
To be considered separately.
Staff Recommendation
Police: In Compliance
DSD: In Compliance
Revenue: In Compliance
3. Trader Joe's #191
4209 N. Campbell Avenue
Applicant: David R. Radcliffe
City 094-04, Ward 3
Series 10
Action must be taken by: January 7, 2005
Staff Recommendation
Police: In Compliance
DSD: In Compliance
Revenue: In Compliance

c. Special Event

1. Arizona Council for CASA
Pima County
3800 E. River Road
Applicant: Sharon L. Irvin
City T105-04, Ward 2
Date of Event: March 13, 2005
(Fundraiser)
Staff Recommendation
Police: In Compliance
DSD: In Compliance

Kathleen S. Detrick, City Clerk, announced there were three requests for new licenses. Applications 5b1 and 5b2 would be considered separately because protests had been filed. She indicated one special event license had been requested.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 6 to 0 (Council Member West absent/excused), that liquor license applications 5b3 and 5c1 be forwarded to the Arizona State Liquor Board for approval.

b. New Licenses

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| 1. | CVS/Pharmacy #7867
5100 E. Grant Road
Applicant: Jason B. Morris
City 090-04, Ward 6
Series 10
Action must be taken by: December 27, 2004
Public Opinion: Protest Filed
Support Filed | Staff Recommendation

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|

Kathleen S. Detrick, City Clerk, announced liquor license application 5b1, CVS/Pharmacy 7867, had a staff recommendation for approval. However, it would be considered separately because a protest had been filed. The license is located in Ward 6.

Mayor Walkup recognized Council Member Ronstadt.

Council Member Ronstadt asked if the protestor was present. He was not present.

It was moved by Council Member Ronstadt, duly seconded, and carried by a voice vote of 6 to 0 (Council Member West absent/excused), that liquor license application 5b1, CVS/Pharmacy 7867, be forwarded to the Arizona State Liquor Board with a recommendation for approval.

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| 2. | O'Shaughnessy's Supper Club &
Song Hall
2200 N. Camino Principal
Applicant: Samuel O'Shaughnessy-Stangl
City 093-04, Ward 2
Series 12
Action must be taken by: January 3, 2005
Public Opinion: Protest Filed
Support Filed | Staff Recommendation

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
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Kathleen S. Detrick, City Clerk, announced liquor license application 5b2, O'Shaughnessy's Supper Club & Song Hall, had a staff recommendation for approval.

She stated it would be considered separately because protest and support letters had been filed. The license is located in Ward 2.

Mayor Walkup recognized Council Member Ronstadt.

Council Member Ronstadt facilitated the discussion at the request of Council Member West. He stated he had several cards. He asked the speakers to come forward and to be as brief as possible. He recognized the applicant, Sam O'Shaughnessy-Stangl.

Sam O'Shaughnessy-Stangl sought a restaurant license for O'Shaughnessy's Supper Club & Song Hall. The concept is that people come, dine and are entertained by singers. The entire staff sings. The restaurant was established in 1978 in Tucson and was there for fifteen years. They would like to re-establish the restaurant. They sang songs from twenty-seven countries in eleven different languages. They cook food from all over the world. Their clients and their customers were wonderful people. They have been a who is who of Tucson history. They had been a who is who of American history. Mike de la Fuente from Mexico has been one of the greatest people that had come through. Mayor Murphy and Bishop Moreno dined in the establishment. They had some fine people come through. They had a good reputation. They would like to do it again.

Mr. O'Shaughnessy-Stangl said that they had picked a site, 2200 N. Camino Principal, right off of Tanque Verde Road. Camino Principal, if no one was aware, was the same street where Tucson Country Club is located. Camino Principal is only one thousand feet long, six hundred feet north of Tanque Verde and four hundred feet on the south side. All of Camino Principal is commercially zoned. Camino Principal has fifty thousand square feet of offices and medical buildings. On either end of Camino Principal there were two subdivisions. Tucson Country Club on the north which has approximately four hundred homes. To the south is Pantano I, with one hundred eighteen townhouses. His property was totally surrounded by commercial property. He said the townhouses were built on commercial property, but his property was zoned correctly.

Mr. O'Shaughnessy-Stangl said that Camino Principal was a prestigious commercial street. Cele Peterson was there. The Scordato family had a restaurant right there in front of Tucson Country Club. A lot of our accountants, doctors and builders were there. His position was right in front of Pantano I Townhouses, as Scordato's or Guiseppi's Trattoria, now was right in front of Tucson Country Club on the other side. It was a commercial street. The entire street was identical. It has two lanes going both directions. He said he felt they had a nice location and a nice area.

Mr. O'Shaughnessy-Stangl said there were questions raised about them being at the entrance to a subdivision or a residential area. Most of the restaurants abut some sort of a residential area, including all of the country club units. All of the country clubs have bars, not at the entrance, but in the middle of them. Everywhere there was a restaurant, there was a subdivision right behind it.

Mr. O'Shaughnessy-Stangl said his development plan was approved. His plan had been approved by the state. He passed the test of the Tucson Police Department. He passed the business development of the City of Tucson. He passed the requirement of the United States government Small Business Administration, who was funding the O'Shaughnessy's project. So, he would simply like to ask everyone to consider their candidacy for a restaurant license and let them get to the business of cooking and singing as they had been doing for twenty-five years in this town. He imagined they sung to more people in this town, with the exception of the famous Ronstadt family, who they take a backseat to, and asked that they be allowed to start cooking and singing again.

Council Member Ronstadt asked Kristine Kim to come forward.

Kristine Kim showed a photo of her residence in relation to the restaurant property. She said she had lived there for approximately one year and prior to her purchase of the property she had a phone discussion with Mr. O'Shaughnessy-Stangl. Before she bought the property she was concerned about the noise and traffic. She called him and he was extremely uncooperative with her and very hostile. He told her that he had no obligation to tell her the nature of the business he intended to put there and that he was entitled to put whatever he wanted there. She said that given his past behavior she had no reason to believe that he would be a good neighbor in the future.

Council Member Ronstadt recognized Paul Cizek.

Paul Cizek, representative of Pantano I Homeowner's Association, said they were not against food, they were not against singing, and he had even had an adult beverage from time to time. What they were against was not O'Shaughnessy's, but the location that he had chosen. The comparison of Tucson Country Club at the north end of Camino Principal to Pantano I Townhomes at the south end of Camino Principal was not a fair comparison. He showed a picture to the Mayor and Council of the way the O'Shaughnessy's property was juxtaposed to their entrance. He said there was a lot of buffer or property in front of the Tucson Country Club entrance. They were concerned about the proximity of the location to their townhome entrance as well as to the backyards and the houses of some of their residents. It was going to cause a nuisance and traffic issues coming in and out of their dead-end entrance ingress and egress. Once somebody turned down there, they would have to go a long way and they would have to turn around to get back out of there. This was one of the concerns they have as a neighborhood.

Mr. Cizek said in particular, they were concerned about the juxtaposition of his parking lot to the neighbors who were unfortunate enough to border the property. He showed a picture. There was a twenty-foot alleyway that was between his property and the residents. Mr. O'Shaughnessy-Stangl was also trying to buy the alley and was in negotiations with the City. Mr. Cizek said he was told that the City traffic was recommending denial. If that were the case, Mr. O'Shaughnessy-Stangl's property would be right up against the townhome property.

Mr. Cizek was concerned about the location Mr. O'Shaughnessy-Stangl is picking for this restaurant and thought it was too close to their residences. They thought that it would cause undue burden on them in terms of traffic, in terms of noise, and the potential problems that alcohol related businesses sometimes present. They thought that he had a burden of proof to show that there was a convenience issue with liquor licenses in the area. There were eighteen of them now. It was not an issue of having to have more convenient liquor in the area. In summary, they had thirty-four definite no votes in terms of a straw poll from their neighborhood, and he had about thirty-four yes votes, some of which were somewhat dubious. Mr. Cizek said that there was enough plurality within the neighborhood that the Mayor and Council should at least hear that a good part of the neighborhood was against this project and that they hoped the Mayor and Council would not grant this license.

Council Member Ronstadt recognized Sandra Cauthorn.

Sandra Cauthorn said she had lived in the townhome association for twenty-five years. She had been on the board of the townhome association for over twenty years and she was president for two years, so she had been involved in this community and she believed she knew the people very well. Prior to the recent construction on this piece of property, this property was overgrown, overrun with trash, overrun with people residing there, and overrun with animals and rodents. Over the years it had been a real nuisance. Her real estate friends told her that the development of this piece of property would be a real asset to those who lived in Pantano I. It was not a college hang-out. It was a mature restaurant. Being a mature citizen, she intended to frequent this restaurant. She frequented O'Shaughnessy's when it was in Tucson in the past on Tanque Verde and it was delightful. Because of the improvement to their area, the fact that Mr. O'Shaughnessy-Stangl was planning to put up a five-foot wall as a buffer between his property and the alley (or street) between his property and Pantano I, would be a buffer enough. A year or so ago a sign was put up at the entrance to Pantano I, because people thought they could cut through and head south, but they could not because there was not outlet, so they put up a no outlet sign. It had cut down on the traffic tremendously. She said she did not expect a whole slew of people coming through that property. She believed O'Shaughnessy's would be a real asset to their corner of the world.

Ms. Cauthorn introduced Carol Mayfield and Deena Contini, who were also residents of Pantano I and were present in support of O'Shaughnessy's.

Council Member Ronstadt recognized Tom Robinson.

Tom Robinson said he and other residents with small children were concerned about the possible increase in vehicular traffic into their townhome area that had no outlet and had sinuous streets and a very low speed limit. Many people used the alleyway or the utility access to go to some of the fast food outlets immediately on Tanque Verde or directly to Udall Park, which was about two blocks away from their townhomes. He thought that it was a matter of those that feel more for the safety of the children if there

was an increase in vehicular traffic that may be turning the wrong way leaving O'Shaughnessy's establishment.

Council Member Ronstadt recognized Lester Geisel.

Lester Geisel said he was in support of the application. What he had seen throughout the evolution of the application was fear, speculation, and feelings that he did not believe belonged in the consideration. He had known Sam O'Shaughnessy-Stangl for quite some time and had experience with some of his other venues. He would compare the clientele to those found at the Arizona Inn or possibly the old Charles Restaurant. All had their own entertainment and were in neighborhoods. He would speak to the maturity of most of his clientele and tell you that they were responsible individuals, not likely to turn the wrong way, not likely to run over children, or in any way denigrate this area.

Council Member Ronstadt recognized Vernon Goakes.

Vernon Goakes said he was familiar with Sam's restaurants. He had eaten in them in Puerto Vallarta and also in Tucson. They were high-class restaurants. He saw no problem with traffic from the people that would go in there. The entrance there was wide open. There was a great parking lot. People would go in and go back out the same way. He could see where they would not even consider driving down through the subdivision. He thought the restaurant would be a wonderful addition to Tucson and he looked forward to eating there.

Council Member Ronstadt said that Council Member West had asked him to shepherd this through. Her only words of wisdom were to listen to everybody and then make a decision. He said he did not know what his colleagues were going to do here, but for his part, he knew in the mid-town area they had issues with liquor licenses and experiences color who they are. Just recently he had a problem with a number twelve restaurant license next to a neighborhood and it finally took the State Liquor Department intervening before they got a resolution. That meant months and months of harassment for the neighbors living around that establishment.

Vice Mayor Dunbar asked Mr. O'Shaughnessy-Stangl about a letter he sent to Council Member West, and said she had a problem with his statement in that letter that he would only meet with up to three representatives from any group. What she was hearing from the neighbors was that he had put together a plan that had not been shared with everybody. There was a plan, but it had not necessarily been through Development Services and approved. She asked if that was correct. She wanted to know if there was still time to work with the neighbors and the restaurant, to make sure that some of their concerns about walls and the impact to the neighborhood could still be addressed. She asked if this was not a final, approved plan.

Mr. Rankin, City Attorney, said he did not believe the plan had been all the way through the approval process. The staff report indicated that Zoning had no objection to the granting of this license, but that did not mean that everything had been approved.

Vice Mayor Dunbar said what they were looking at was not necessarily what they were going to see.

Mr. Rankin said Mr. O'Shaughnessy-Stangl would be in a better position to answer that.

Mr. O'Shaughnessy-Stangl said what she had was the rendering. Their site development plan for eighteen months had been through the City of Tucson with literally every conceivable stamp they could put on it. They have had their grading permits issued. They had sewer, water line, gas, everything. He said that he might suggest that O'Shaughnessy's was only part of what was called Harmony Court there. It was a medical and professional complex of about four little buildings. All of this had been passed. Working drawings had been passed. He just simply did not put a 24" x 36" development plan in that plan.

Vice Mayor Dunbar asked if he was going to do the entire development at the same time or would he only be doing the restaurant.

Mr. O'Shaughnessy-Stangl said one building at a time because they were only financing one as they go along.

Vice Mayor Dunbar asked if he should get favorable recommendation, was he willing to sit down and meet with the neighbors, and more than three. What she had heard before the meeting was that a lot of people were turned off by the email where Mr. O'Shaughnessy-Stangl said he would only meet with up to three people. She asked if he would be willing to meet with people and share his plans and his ideas.

Mr. O'Shaughnessy-Stangl said yes and that they had already. Sixteen months ago they all met at the Eastside City Hall. Council Member West did an open forum and resolved some issues. Council Member West did a second open forum. They formulated an agreement with all the issues raised by Pantano I. They readily signed that agreement for sidewalks, a five-foot wall that would be two hundred forty feet long, pork-chop curbs coming out of their development which would turn people toward Tanque Verde Road. There was a bus stop issue for school kids, and they worked with Tucson Unified School District and got the bus stop moved one block over. If there was any idea at all that they had not been working with Pantano I, that really was incorrect. Last Saturday night he met with the President and the Vice President.

Vice Mayor Dunbar said she had his own words that he was only going to meet with three people at a time.

Mr. O'Shaughnessy-Stangl said they did. The open forum last year really turned into a donnybrook. He chose to meet with the powers that be, Mr. Hanel (ph) and Mr. Cizek, who were President and Vice President.

Vice Mayor Dunbar said looking at the site plan she saw an open courtyard and asked if they planned on doing outside activities where singing and entertaining would be done.

Mr. O'Shaughnessy-Stangl said no, it would all be inside and that there would be no bands, they would be using a spinet piano. There would be no drummer boy in there. The courtyard was for the benefit of the other three office buildings.

Vice Mayor Dunbar said she had one other concern and that was a concern for children in the neighborhood. She said that it did not have to do with liquor but anytime you had transportation and you had a congested area and you had children. She said she saw one letter about a school bus stop close by and asked him to address that issue.

Mr. O'Shaughnessy-Stangl said that the bus stop had been moved one block over. It was not there anymore.

Vice Mayor Dunbar said she was a little concerned about how he was going to mitigate the traffic on the property. She said she would feel better if she knew he had walls and his clientele was going to be contained and not part of the road just leading into the neighborhood.

Mr. O'Shaughnessy-Stangl said they were putting up a five-foot wall that entire two hundred forty-foot length. In the front of O'Shaughnessy's was a retention pond. You cannot go across it and it was on the site development plan that the City had approved. They would have two ingresses and egresses. They would have twice the parking required for O'Shaughnessy's and three times the space required.

Vice Mayor Dunbar said that took care of her questions and she thanked Mr. O'Shaughnessy-Stangl.

Council Member Ronstadt asked if there were any further questions. There were none. He said his perspective had been colored by his experiences in his Ward. He was not going to presume to know how Council Member West would deal with this. If this issue had arisen in his Ward, he would recommend denial.

It was moved by Council Member Ronstadt that liquor license application 5b2, O'Shaughnessy's Supper Club & Song Hall, be forwarded to the Arizona State Liquor Board with a recommendation for denial.

There was no second to the motion.

Council Member Ronstadt said if one of his colleagues wanted to take this issue up, they were more than welcome.

Mayor Walkup asked if there was a motion to accept.

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 4 to 2 (Council Members Leal and Ronstadt dissenting and Council Member West absent/excused), that liquor license application 5b2, O'Shaughnessy's Supper Club & Song Hall, be forwarded to the Arizona State Liquor Board for approval.

6. CONSENT AGENDA ITEMS A THROUGH O

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda by number and title only.

A. ECONOMIC DEVELOPMENT: FOREIGN-TRADE ZONE SITE OPERATIONS AGREEMENT WITH AERO CORPORATE CENTER, LLC

1. Report from City Manager DEC20-04-682 W1
2. Resolution No. 19980 relating to economic development; approving a Foreign Trade Zone Site Operations Agreement between the City of Tucson and Aero Corporate Center, LLC; authorizing the Mayor to execute, and the City Clerk to attest, the approved agreement; and declaring an emergency.

B. FINANCE: WRITE-OFF OF UNCOLLECTED ACCOUNTS RECEIVABLE

1. Report from City Manager DEC20-04-683 CITY-WIDE
2. Resolution No. 19981 relating to finance; authorizing the write-off of certain uncollectible accounts, and declaring an emergency.

C. ANNEXATION: LOS REALES NUMBER TWO ANNEXATION DISTRICT, ORDINANCE ADOPTION

1. Report from City Manager DEC20-04-685 W5
2. Ordinance No. 10096 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto certain portions of Section 13, 14, 23 and 24, T.15S., R.14E., G.& S.R.M., Pima County, Arizona, more particularly described in the body of this ordinance and declaring an emergency.

- D. REAL PROPERTY: VACATION AND SALE OF SURPLUS PROPERTY LOCATED AT SILVERBELL ROAD AND LINDA VISTA BOULEVARD TO PIMA COUNTY
1. Report from City Manager DEC20-04-684 OUTSIDE CITY
 2. Ordinance No. 10098 relating to real property; vacating and declaring portions of certain city-owned property located on the west side of Silverbell Road and north of Linda Vista Boulevard to be surplus and authorizing the sale thereof to Pima County; and declaring an emergency.
Item D was considered separately at the request of Council Member Ibarra.
- E. ANNEXATION: MICHIGAN - RANDOLPH ANNEXATION DISTRICT, ORDINANCE ADOPTION
1. Report from City Manager DEC20-04-686 W5
 2. Ordinance No. 10089 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto certain portions of Section 33, T.14S., R.14E., Pima County, Arizona, more particularly described in the body of this ordinance and declaring an emergency.
- F. ASSURANCE AGREEMENT: (S02-046) STARR PASS HEIGHTS SUBDIVISION LOTS 1 TO 114 AND COMMON AREAS "A", "B", "C", "D", AND "E"
1. Report from City Manager DEC20-04-689 W1
 2. Resolution No. 19983 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in case no. S02-046 of a final plat for the Starr Pass Heights Subdivision, Lots 1 to 114 and Common Areas "A" – "E"; and declaring an emergency.
- G. FINAL PLAT: (S02-046) STARR PASS HEIGHTS SUBDIVISION LOTS 1 TO 114 AND COMMON AREAS "A", "B", "C", "D", AND "E"
1. Report from City Manager DEC20-04-681 W1
 2. The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- H. REAL PROPERTY: LEASE AGREEMENTS WITH TOP GEM MINERALS, INC., FOR PROPERTY LOCATED WITHIN THE HISTORIC WAREHOUSE DISTRICT
1. Report from City Manager DEC20-04-691 W6
 2. Ordinance No. 10100 relating to real property; authorizing and approving the lease of certain real property located at 140 West Sixth Street to Top Gem Minerals, Inc.; and declaring an emergency.
- I. REAL PROPERTY: RIGHT-OF-WAY ACQUISITION FROM IRVINGTON ROAD TO VALENCIA ROAD FOR PARK AVENUE LIGHTING AND SIDEWALK IMPROVEMENTS
1. Report from City Manager DEC20-04-677 W5
 2. Resolution No. 19984 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain rights-of-way for lighting and sidewalk improvements on Park Avenue between Irvington Road and Valencia Road; and declaring an emergency.
- J. CITY GOVERNMENT: ADOPTION OF THE FISCAL YEARS 2005 AND 2006 CITY STRATEGIC PLAN
1. Report from City Manager DEC20-04-693 CITY-WIDE
 2. Resolution No. 19985 relating to the City Strategic Plan; approving the City Strategic Plan for fiscal years 2005 and 2006; and declaring an emergency.
- K. ASSURANCE AGREEMENT: (S04-065) ENCHANTED HILLS TOWNHOMES SUBDIVISION LOTS 1 TO 75 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager DEC20-04-690 W1
 2. Resolution No. 19987 relating to planning; authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in case no. S04-065 of a final plat for the Enchanted Hills Townhomes Subdivision, Lots 1 to 75 and Common Areas “A” – “C”; and declaring an emergency.

L. FINAL PLAT: (S04-065) ENCHANTED HILLS TOWNHOMES SUBDIVISION LOTS 1 TO 75 AND COMMON AREAS “A”, “B”, AND “C”

1. Report from City Manager DEC20-04-694 W1
2. The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

M. GRANT AWARD: ACCEPTANCE OF GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE “COPS” 2004 TECHNOLOGY INITIATIVE

1. Report from City Manager DEC20-04-692 CITY-WIDE
2. Resolution No. 19986 relating to law enforcement; approving and authorizing execution of a grant award between the City of Tucson and the U.S. Department of Justice, funding COPS 2004 Technology Initiative in the amount of \$989,477.00; and declaring an emergency.

N. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR LOW-INCOME UTILITY SERVICES BILL ASSISTANCE

1. Report from City Manager DEC20-04-695 CITY-WIDE & OUTSIDE CITY
2. Resolution No. 19988 relating to water; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for a second amendment to Low-Income utility bill assistance program; and declaring an emergency.

Item N was continued at the request of staff.

O. APPROVAL OF MINUTES:

1. Report from City Manager DEC20-04-699

Mayor Walkup recognized Council Member Ronstadt.

It was moved by Council Member Ronstadt, and duly seconded, that Consent Agenda Items A through O, with exception of Items D and N, be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Consent Agenda Items A through O, with the exception of Items D and N, were declared passed and adopted by a roll call vote of 6 to 0.

D. REAL PROPERTY: VACATION AND SALE OF SURPLUS PROPERTY
LOCATED AT SILVERBELL ROAD AND LINDA VISTA BOULEVARD TO
PIMA COUNTY

1. Report from City Manager DEC20-04-684 OUTSIDE CITY
2. Ordinance No. 10098 relating to real property; vacating and declaring portions of certain city-owned property located on the west side of Silverbell Road and north of Linda Vista Boulevard to be surplus and authorizing the sale thereof to Pima County; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced that Consent Agenda Item D was to be considered separately at the request of Council Member Ibarra.

Mayor Walkup recognized Council Member Ibarra.

Council Member Ibarra thanked staff. He liked the foresight and the vision that staff showed by saying that instead of selling this off and auctioning this off to make a little money, we would rather sell it to the County and make sure that it stays open space to some extent. No more houses, means less traffic on Silverbell, which showed our commitment to addressing Silverbell. He thanked staff for their dedication and said he looked forward to the other issues that had to be dealt with on Silverbell.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Consent Agenda Item D.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Consent agenda Item D was declared passed and adopted by a roll call vote of 6 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Isabel Doe submitted a petition and addressed concerns with Rio Nuevo developments. She urged the Mayor and Council to preserve a natural corridor along the Santa Cruz
- b. Richard Fisher addressed concerns with the Rio Nuevo developments and urged the Mayor and Council to preserve a natural corridor along the Santa Cruz.
- c. Michael Toney commented on the “Space Oasis” and the war in Iraq.
- d. Gilbert Jimenez addressed concerns with Rio Nuevo developments and urged the Mayor and Council to preserve a natural corridor along the Santa Cruz.
- e. Manuel Bedoya addressed concerns with Rio Nuevo developments and urged the Mayor and Council to preserve a natural corridor along the Santa Cruz.

8. FINANCE: CONTINGENCY FUND TRANSFER TO THE UNITED WAY TO FUND THE EARNED INCOME TAX CREDIT INITIATIVE

Mayor Walkup announced City Manager’s communication number 687, dated December 20, 2004, would be received into and made a part of the record. He asked the City Clerk to read Resolution 19982 by number and title only.

Resolution 19982 relating to finance; approving and authorizing the transfer of ten thousand dollars (\$10,000) from the contingency fund to the United Way of Tucson and Southern Arizona, for the Earned Income Tax Credit Initiative Program; and declaring an emergency.

Mayor Walkup recognized Council Member Scott.

Council Member Scott said she had been in touch with the United Way. They did need ten thousand dollars and there was no question that what they do was excellent work that helped the community. According to the meeting material there was ten thousand dollars available in the Mayor and Council contingency fund, however, what was not reflected was that in the two thousand eight hundred eighty dollars that was shown for Ward Four, some of it had been promised and it was difficult for her to back away from some of those commitments. She had three upcoming events where money commitments

had been made: the Ward Four Back to School Bash, the spring Women's Positive Aging Conference and the other would be T.R.O.O.P.S Night Part Two. For those community purposes, she would need to keep approximately eighteen hundred and seventy-five dollars. That would leave a maximum of one thousand five dollars in the Ward Four contingency fund allocation that was currently not encumbered. If this were to be funded entirely with cash, then she did not know how they could do that as there was an uneven amount in all of the contingency funds. She asked if there was anyway that the City could make up in-kind services what was needed. She asked if they were amenable to a balance of cash and some in-kind services.

Dan Duncan, representing the United Way, stated that it would be ten thousand dollars because they were short key out-of-pocket expenses as well as some printing costs. They were amenable to find a way to do a blend of some cash and some in-kind commitment from the City to make it work.

Council Member Scott said she hoped they could do in-kind. She would like to give at least eighty percent of what she had left, because she had another commitment that she would need a few hundred dollars for before that funding is used up, in its entirety. She said that she might be giving eight hundred and four dollars out of what she considered her contingency, but maybe the others could come up with in-kind or make up the difference. She expressed her concern that they do need to keep their commitments and she wished that they could give all of the money to everyone but prior commitments on her part would not allow her to give the amount that had been suggested from her Ward. She would contribute eight hundred four dollars.

Mayor Walkup recognized Vice Mayor Dunbar.

Vice Mayor Dunbar said she had five thousand dollars left, but that was because she had been careful and it was the same money with which she had come into office. Her Ward does the Balboa Heights Christmas Party and Halloween Party and they do a lot of things for children. Stripping her of those funds would be a hardship on the neighborhoods. She thought this cause was good, but she asked if they needed ten thousand dollars, if there was someplace else that they could find it. Using those dollars would create a real hardship in Ward Three and she felt like she was being penalized for being frugal.

Mayor Walkup recognized Council Member Ibarra.

Council Member Ibarra said that the Earned Income Tax Credit (EITC) was one of the greatest things that they could do as a community. He said that the City of Denver had done a tremendous job in moving forward with the EITC, not only in the City itself, but also in the surrounding towns and cities and in the county, to generate money. It was an investment. It is used as an investment because of all the tax returns. This was literally free money that you get back from the Federal Government that people did not know that they were able to get. He spoke with Mr. Duncan earlier who told him about a gentlemen who came in to do his tax returns and he got an extra five thousand dollars that

he did not know he would get. He was able to use that as a down payment on a new home. This was exactly what they wanted to do. He knew that everybody had very little money left, he only had a hundred or so dollars in his own contingency fund, but he would like to offer a suggestion if the City Attorney and the City Clerk would allow it. He suggested that they find a way to take it out of their office budgets. They could commit a certain amount that would be even across the board with each of the Mayor and Council Members. Last year they gave the United Way five thousand dollars and with that five thousand dollars they came back with a million dollars in new tax revenue for the City of Tucson. Ten thousand dollars would probably equal about two million or more now and that to him was extra revenue that they keep talking about. If they continued this to the next Mayor and Council meeting Mr. Rankin could let them know if they could use their office budgets for this and that way everybody would have an equal and fair opportunity to give money.

Mayor Walkup said continuing this would push it into next year and wondered if they still had time to mobilize if they put it off until then. He did not know if he had any money left, he expected that he had none. He did know the value that each of them could put in in-kind services to be able to help this cause. He thought that Council Member Ibarra's suggestion of continuing this item was reasonable.

Mayor Walkup recognized Council Member Leal.

Council Member Leal appreciated Council Member Ibarra's sentiments and direction, he too was going to suggest that while most of them did not have money left in their contingency funds, that they may have some monies left in their own office budgets that could be applied to this. He said that this was doable, but it might take them each a week to figure out what each office budget might be capable of contributing. Council Member Leal noted that Mr. Duncan said they had printing costs and the City had a print shop. There could be a way that in-kind could soften that ten thousand dollars.

Mr. Rankin stated that if the item was continued he would provide them with any restrictions on what could be spent out of their office budgets.

Council Member Ibarra stated that if they voted on this issue today Mr. Duncan would not get much out of them. He was trying to get some flexibility amongst each office. They might not get the same amount from each office but he thought that what they were trying to do was find some pots of money and at the same time see how they could work with the printing costs. He asked Mr. Duncan if it could be continued until the first meeting in January.

Mr. Duncan stated that it would be fine. He said he was hearing that the Council would like to find a way to support this the best that they could. He said that they were also going to another governmental entity across the street and that it was helpful to say that everybody was giving ten thousand dollars. That would help leverage as they work together. So if they had that sense that they could make it together, between in-kind printing or whatever else, as well as cash, it would be helpful.

Council Member Ibarra asked Mr. Duncan to give them an idea of what the average return that people would get that they never knew that they were going to get.

Mr. Duncan stated that the average last year was eighteen hundred dollars.

Council Member Ibarra asked if it went to somebody who was on a fixed income.

Mr. Duncan stated that it had to go to families with children that had incomes under thirty-four thousand dollars.

Council Member Ibarra said what they were doing was putting an extra eighteen hundred dollars in their pockets so that they could go out and spend on things that they need, whether it was for home repair or their car or their kids. He thought that was what was so great about this program. He said he was a big advocate of this program. He moved to continue this until the first week in January.

Vice Mayor Dunbar suggested that it be continued until the second week of January.

Council Member Ibarra said Mr. Duncan would need to know by the first week because of taxes and that they would have to start getting prepared.

Mr. Duncan stated that January 18 was the first day that individuals could e-file and that was the day that they would be opening all of the centers. Printing needed to be done early on so that they can get the flyers out and do their outreach.

Council Member Ibarra said that they would have to be a little flexible.

Council Member Scott stated if each office gave eight hundred dollars that they would be more that half way to the ten thousand and then the additional might be in-kind

It was moved by Council Member Ibarra, duly seconded, and passed by a voice vote of 6 to 0 (Council Member West absent/excused) to continue this item to the meeting of January 11, 2005. In the meantime the option of identifying funds from office budgets should be explored and staff should work with the United Way to determine the amount of in-kind costs that could be provided in lieu of cash.

9. REAL ESTATE: DEVELOPMENT AND SALE AGREEMENT WITH BARCLAY GROUP VENTURE CAPITAL, LLC FOR THE PARQUE DE SANTA CRUZ DEVELOPMENT LOCATED AT IRVINGTON ROAD AND INTERSTATE 19

Mayor Walkup announced City Manager's communication number 696, dated December 20, 2004, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10097 by number and title only.

Ordinance 10097 relating to real property; vacating and declaring certain city-owned property located on the northwest corner of Drexel Road and Interstate 19, Tucson, Arizona, to be surplus, and authorizing and approving the sale thereof to Barclay Group Venture Capital, LLC; and declaring an emergency.

Mayor Walkup recognized Council Member Ibarra.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Ordinance 10097.

Council Member Ibarra thanked the Barclay Group for making an investment on the south side. Many times people talk about the needs on the south side and the west side, but the Barclay Group had always been a great investor in the south side, taking a leadership role and showing vision. He said that he did not want to be held to it, but that he thought it was high on their list and that it was the first time ever that they were going to try and get a first rate state of the art movie theatre on the southwest side of Tucson. That showed a huge commitment to the City of Tucson and especially the south and west side and he thanked them. He also thanked the City staff and thought they were doing a great job. He hoped that this item would pass unanimously because it would show some serious support for the southwest side.

Mayor Walkup complimented all the people who worked to pull this off. It was going to be a wonderful addition to the south side and it was also close to where he lived. He appreciated all the work put into this. He asked if there were any other discussion. There was none.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Ordinance 10097 was declared passed and adopted by a roll call vote of 6 to 0.

10. ZONING: (C9-98-01A) LAWYER'S TITLE TR 7685 – MISSION ROAD, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 697, dated December 20, 2004, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10102 by number and title only.

Ordinance 10102 relating to zoning: amending zoning district boundaries in the area located northeast of the northeast corner of Mission Road and Irvington Road in case C9-98-01A, Lawyers Title TR 7685 – Mission Road, MH-2 to R-1; and setting an effective date.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Leal, duly seconded, to pass and adopt Ordinance 10102.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Ordinance 10102 was declared passed and adopted by a roll call vote of 6 to 0.

11. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR FOUR 1997 COUNTY BOND PROJECTS

Mayor Walkup announced City Manager's communication number 698, dated December 20, 2004, would be received into and made a part of the record. He asked the City Clerk to read Resolution 19989 by number and title only.

Resolution 19989 relating to transportation; authorizing and approving the Intergovernmental Agreements between the City of Tucson and Pima County for bond funded improvements for the Kino Parkway Overpass at 22nd Street, Broadway Boulevard from Euclid Avenue to Campbell Avenue, River Road from Campbell Avenue to Alvernon Way, and Alvernon Way from River Road to Fort Lowell Road; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced there was a clerical correction on Exhibit C to the Resolution, relating to the River Road from Campbell Avenue to Alvernon Way project. On page seven of the Exhibit, under Section Fourteen, where it talks about collection of developer obligations within the City, the sentence should read: "The City shall contribute to the projects City funds in an amount equal to the sum of all development impact fees for roads," as opposed to what it had read previously, which was all development impact fees. This was to clarify it was for roads.

Mayor Walkup recognized Council Member Ronstadt.

Council Member Ronstadt said the 1997 Bonds were passed, and at the time, it had become a campaign issue for some that ran for office. He was in support of those bonds. He knew that these were improvements that were desired in the community and unfortunately it had taken eight years to get to this point. There had been ups and downs and finally he was glad that the County and the City had been able to iron out these agreements. He had spoken to Mike Hind and others in the County and everyone was on board and they were going to make these things happen.

It was moved by Council Member Ronstadt, duly seconded, to pass and adopt Resolution 19989 as amended in Exhibit C, Section 14, page seven.

Council Member Leal offered a friendly amendment that the Kino Overpass be separated from this resolution. He and Mayor Walkup had been working with a collection of southside neighbors and business people to talk about having the money for the Kino Overpass brought back and used to widen Twenty Second Street, which was what was on the ballot in 1997. The Mayor and Council expressed some discontent when the County took the money, saying there was bad faith with the voters, and he thought now that the City had the opportunity to resolve that problem and fix that ill that they should do that to be consistent with the voters. Council Member Leal offered that as a friendly amendment, that he and the Mayor be allowed to complete their work with the business people and southside residents discussing how that ten million should be applied, whether to the overpass or to the widening of Twenty Second Street. He said they had three meetings, but the work was not quite done and they needed a little more time.

Mayor Walkup responded to the friendly amendment. He appreciated Council Member Leal's interest. He thought that approving the overpass to go forward with the ten million as approved by the County was a smart and reasonable thing to do, especially in light of the fact that this was probably the most significantly congested intersection along Twenty Second Street. Moving forward with the Twenty Second Street/Kino Overpass was putting money into Twenty Second Street. One of the things that he and Council Member Leal talked about was that if this passed, the City must make sure that the Regional Transportation Authority would give these main roads the kind of priority they needed. Clearly, Twenty Second Street, which was a costly project, running from I-10 all the way past the bridge, in order to get six lanes working effectively, was going to take a lot of money, well beyond the amount of money involved with this Intergovernmental Agreement. His recommendation to Council Member Ronstadt was to push ahead with his recommendation, which was consistent with what the Board of Supervisors had recommended. He said they should also do all they could to be sure that the Regional Transportation Authority and the developmental plan would give due consideration to streets like Twenty Second Street that needed a lot of money and should be close to the top priority.

Council Member Leal said the south side residents voted for the 1997 package thinking that Twenty Second Street would be widened and now it was not, and the Mayor

was saying that it would be on the Regional Transportation Authority and let them vote for it again. He asked why they should expect to believe that they would get it the second time when they did not get it the first time. He understood the Mayor's sentiments, but he requested of the motion maker that he move all of the items but Kino, because he was happy to support the brunt of the package, but wished to vote separately on Kino.

Council Member Ronstadt said it was interesting to him that they were sitting there talking about the promise to the voters when Supervisor Eckstrom stripped ten million from Twenty Second Street and Mr. Leal never said anything publicly.

Council Member Leal said that he did.

Council Member Ronstadt said that it was not on record.

Council Member Lead said that it was on record.

Council Member Ronstadt said that Council Member Leal never did anything to stop Supervisor Eckstrom from doing that, so the fault was not with the City, but the fault was with Supervisor Eckstrom who took ten million from Twenty Second Street. Earlier, he mentioned that he had spoken specifically to Mike Hein. County Administrator Huckleberry was on vacation this week and was not available. When he talked to Mr. Hind, he asked if he had heard of any changes that might be coming up on this Intergovernmental Agreement because this was an Intergovernmental Agreement that was crafted through a lot of negotiation. As Council Member Ibarra had indicated earlier, the City staff worked hard to make these things work for the City and the County. At this point, a deal had been struck with the County. Mike Hein said that he had spoken specifically to Supervisor Valadez about any changes and Supervisor Valadez was unaware of anything. He did not want to change anything that was on the table. It had been negotiated. The projects were going to get done and that was the important thing.

Council Member Leal made a substitute motion, duly seconded, to pass and adopt Resolution 19989 with a clerical correction to Exhibit C to the Resolution, the Intergovernmental Agreement for the project at River-Campbell, page 7, section 14 shall reflect that only the impact fees for roads shall be contributed to the project; except Exhibit A, the Intergovernmental Agreement for the Kino Overpass project.

Vice Mayor Dunbar said this item had been on the Study Session agenda this afternoon and she resented being blind-sided. There had been an opportunity to discuss this issue. She told Council Member Leal she believed that if he was up front and honest and he really wanted to do this that they would have had a chance to discuss it. Now they were sitting there and they knew that they had been working with the County, that nobody from the County had called her office and asked for this, and she felt that Council Member Leal was grandstanding here, when there had been an opportunity at Study Session to discuss this, bring this forward, make some phone calls, and have some discussion before coming forward with the vote. She said she really resented what Council Member Leal was doing.

Council Member Ibarra said, in defense of Council Member Leal, this was where the final vote was taken. The Council could talk all they wanted at Study Session, but in the end, this was where the vote took place and this was where it counted. He understood where Vice Mayor Dunbar was coming from, but a lot of them believed there was no need to go over a thing when they were not going to vote. It was better to talk about it, to put it out in public when the vote is going to be taken and everybody got to see you in Regular Session. He thought it was just a difference at how one looked at Study Session and how one looked at Regular Session. He was not saying one was right and one was wrong, he was just saying that some looked at Regular Session as where the vote was taken and that was why these issues were brought up at Regular Session.

Mayor Walkup recognized Council Member Scott.

Council Member Scott clarified that the projects were to be funded with County funds, but any additional costs over and above, any overruns at all, would be borne by the City. She asked if that was that correct.

James Keene, City Manager, said that was correct, particularly as it related to any redesign. He pointed out that the time schedule on these projects was quite extended, some of which would not get completed until 2014, which was almost twenty years after the voters approved the bond package. Obviously, there was some question about what the ultimate cost might be given that long time period.

Mayor Walkup asked for the roll call.

Ms. Detrick said she had a procedural question for Mr. Rankin, to make certain she understood. Mr. Leal's motion was to approve Resolution 19989 with the exception of Exhibit A, which is the one relating to the Kino Overpass.

Michael Rankin, City Attorney, said that was his understanding of the motion.

Ms. Detrick asked if that motion passed and there was a second vote on Exhibit A, would that be an Amendment to this Resolution, since this was not set up that way.

Mr. Rankin said if that motion passed and then the second vote was taken on Exhibit A, the Kino Overpass, they would have to amend the first Resolution because it would have been approved.

Ms. Detrick said the second motion would be to amend Resolution 19989 to include Exhibit A.

Mr. Rankin said that was correct, to make it read the way it originally read.

Ms. Detrick said this vote was on Council Member Leal's substitute motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Resolution 19989 with the clerical correction and excluding Exhibit A, the Kino Overpass, was declared passed and adopted by a roll call vote of 6 to 0.

It was moved by Council Member Ronstadt, and duly seconded, to pass and adopt Resolution 19989 to add back Exhibit A, the Intergovernmental Agreement for the Kino Overpass project, and with the clerical correction to Exhibit C regarding the impact fees.

Ms. Detrick asked if this was a reconsideration of the Resolution or was this an amendment to the Resolution.

Michael Rankin, City Attorney, said this was an amendment to the Resolution to add Exhibit A as an approved Intergovernmental Agreement between the City and the County.

Council Member Ibarra asked if they were not in essence putting it right back where it had been.

Mr. Rankin said that was correct.

Council Member Ibarra asked if they would be basically contradicting themselves.

Council Member Ronstadt said no.

Mr. Rankin said no, they would not be contradicting themselves. The motion was to consider Exhibit A separately, which was now what they would be doing.

Council Member Leal asked that if Kino were involved in the package, because it was a grade-separated interchange, would it have to go to a vote of the people. This would not really be the final decision. This would have to go on the ballot for the people of Tucson to vote on.

Mr. Rankin said they would have to evaluate the particulars of the Kino Overpass project to see if the Neighborhood Protection Amendment in the Charter applies to this as a grade-separated interchange or whether under a previous case decision regarding Aviation Highway would say that the Neighborhood Protection Amendment was preempted. He said they would have to look at that time and would certainly come to the

Council with a definitive answer about whether this would need to go to the voters for approval or not. He believed that this was the project among these that was on the latest time line.

Mr. Keene said it was not on the latest time line, but it was sufficiently out in time that there was significant time for the Council to answer that question. He said if the Council thought about the Intergovernmental Agreements as just related to the funding commitments from the County, there was that question and possibly many others that would come up that the Council would have to resolve before they moved forward.

Council Member Leal said he could not quite hear Mr. Rankin and asked if he had said the Intergovernmental Agreement was exempt for the Neighborhood Protection Amendment.

Mr. Rankin said no. He said they would come back to the Council with the specific definitive answer as to whether this particular project would be exempt from the voter approval requirement of the Charter.

Mayor Walkup asked that the motion be restated.

Ms. Detrick said that the motion was to amend Resolution 19989 by including Exhibit A, as it was originally presented, regarding the Kino Overpass project.

Mr. Rankin said that was correct.

Ms. Detrick confirmed that there was a second to the motion. There was.

Mayor Walkup asked if this motion failed, would the City have to go back to the County with a modification and ask for them to revise the Intergovernmental Agreement, or into what condition would it put the whole subject?

Mr. Keene said he was not sure if they were in a position to answer that, but that it possibly might have to go back to the County. He could not advise the Council on that today.

Council Member Ibarra said he was going to be voting against it because he thought it would be more prudent to find out first of all, if it was a grade-separated interchange and if it was going to have to go through the process that Council Member Leal was talking about. He would rather know that first, before he made a decision or made a call on it. If that were the case, then he would rather they deal with that separately and go on with the positive they just did and hold this out and then come back and have a positive vote after finding out the exact aspect of it rather than letting it fail right now. He thought that would send the wrong message.

Mayor Walkup said they would have to rescind the motion and the second. That would mean that the original motion passed. The original motion was to consider the

Twenty Second Street separately, which could be, after due consideration with the County, and with any citizens' group, on whether or not we should put the money either into the Twenty Second Street road or into the overpass. He asked Council Member Leal, if that was how he saw that.

Council Member Leal said yes.

Mayor Walkup said the Council could move ahead with the three and not pass any judgement on Kino Overpass until they had more time to consider it. He thought that was the right thing to do.

Council Member Ronstadt said he was always the first in line when it came to taking the bat out and start swinging it at the County. This was an opportunity for the City to stand tall and say an agreement had been reached between the City and the County that resolved all of the issues with the 1997 bonds, let us just vote on it.

Mayor Walkup called for the vote.

Ms. Detrick said that she wanted to make sure that everyone was clear on what they were voting on. She said that this vote was on Council Member Ronstadt's motion to adopt Resolution 19989 with an Amendment to add Exhibit A regarding the Kino Project as it was originally presented.

Council Member Scott stated that she wanted to state that she was on record as fully supporting this public document.

Upon roll call, the results were:

Aye: Council Members Scott and Ronstadt; Vice Mayor Dunbar and Mayor Walkup

Nay: Council Member Ibarra and Leal

Absent/Excused: Council Member West

Resolution 19989 was declared passed and adopted by a roll call vote of 4 to 2.

Ms. Detrick asked for a second vote for the sole and separate purpose of amending the resolution to include the emergency clause.

Mayor Walkup called for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Resolution 19989 was declared passed and adopted by a roll call vote of 6 to 0 with the emergency clause.

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced City Manager's communication number 688, dated December 20, 2004, would be received into and made a part of the record. He asked if there were any personal appointments to be made.

Council Member Scott announced her personal appointment of Steve Anderson to the Tucson-Pima Parks and Recreation Committee. She stated that his term would be effective on January 12, 2005.

13. ADJOURNMENT: 7:15 p.m.

Mayor Walkup announced beginning in January, Mayor and Council meetings would be held on Tuesdays. Therefore, the next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 4, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 20th day of December, 2004, and do hereby certify that it was an accurate transcription.

DEPUTY CITY CLERK

KSD:lp/cf